

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION**

##### **Call to Order:**

**CHAIRMAN GALEN HOLLENBAUGH**, on January 15, 2009 at 8:34 A.M., in Room 317-C Capitol.

##### **ROLL CALL**

##### **Members Present:**

Rep. Galen Hollenbaugh, Chairman (D)  
Sen. Rick Ripley, Vice Chairman (R)  
Rep. Duane Ankney (R)  
Sen. John Brenden (R)  
Rep. Llew Jones (R)  
Rep. Robert Mehlhoff (D)  
Sen. Mitch Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** James Chamberlain, OBPP  
Tyrrell Hibbard, Committee Secretary  
Barbara Smith, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: Department of Natural Resources and  
Conservation (DNRC) decision  
packages, HB 2; 1/12/09

Executive Action: DNRC DPs

00:00:08 Ms. Smith  
**EXHIBIT(jnh09a01)**  
00:01:16 Sen. Ripley  
00:01:26 Chairman Galen Hollenbaugh  
00:01:44 Mr. Chamberlain  
00:02:42 Chairman Hollenbaugh

**EXECUTIVE ACTION ON DNRC**

00:03:54 Ms. Smith  
00:04:38 **Motion/Vote:** Chairman Hollenbaugh moved that **DP 2401 BE ADOPTED.** Motion carried unanimously by voice vote.  
00:04:54 Ms. Smith  
00:05:40 **Motion/Vote:** Chairman Hollenbaugh moved that **WATER RESOURCE LANGUAGE CHANGE from DP 2450 BE ADOPTED.** Motion carried unanimously by voice vote.  
00:07:26 Ms. Smith  
00:08:33 Sen. Ripley  
00:09:50 Chairman Hollenbaugh  
00:10:26 Ms. Smith  
00:10:57 Chairman Hollenbaugh  
00:11:04 **Motion/Vote:** Chairman Hollenbaugh moved **DP 2550 WITH CONTINGENT LANGUAGE BE ADOPTED.** Motion failed, 3-4 by roll call vote with Sen. Brenden, Rep. Ankney, Rep. Jones, Sen. Ripley voting no.  
00:12:34 **Motion:** REP. Ankney moved that **DP 2250 BE ADOPTED.**

**Discussion:**

00:13:20 Sen. Mitch Tropila  
00:14:20 Rep. Robert Mehlhoff  
00:15:14 Sen. Ripley  
00:15:58 Tom Richmond, Montana Board of Oil and Gas Conservation  
00:17:56 Rep. Mehlhoff  
00:18:04 Mr. Richmond  
00:18:12 Mr. Chamberlain  
00:18:55 Mr. Richmond  
00:19:23 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 2250, ONE TIME ONLY.** Motion carried unanimously by voice vote.

00:20:32 **Motion:** by Rep. Llew Jones moved **TO ADOPT DP 2251, ONE TIME ONLY.**

**Discussion:**

00:20:34 Ms. Smith  
00:21:11 Sen. Tropila  
00:21:22 Mr. Richmond  
00:22:00 Sen. Tropila  
00:22:09 Rep. Jones

00:22:23 **Vote:** Motion carried unanimously by voice vote.

00:23:06 Ms. Smith

00:23:28 **Motion/Vote:** Sen. Ripley moved that **DP 2101 BE ADOPTED.** Motion carried 6-1 by voice vote, Sen. Brenden voting no.

00:24:19 Ms. Smith

00:24:30 **Motion/Vote:** Sen. Tropila moved **DP 2102 BE ADOPTED.** Motion passed 6-1 by voice vote, Sen. Ripley in opposition.

00:25:05 Ms. Smith

00:25:24 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 2151.** Motion carried unanimously by voice vote.

00:25:51 Ms. Smith

00:26:08 **Motion/Vote:** Sen. Ripley moved that **DP 2201 BE ADOPTED.** Motion carried unanimously by voice vote.

00:26:33 Ms. Smith

00:26:50 **Motion/Vote:** Rep. Mehlhoff moved **DP 2202 BE ADOPTED.** Motion carried unanimously by voice vote.

00:27:16 Ms. Smith

00:27:34 **Motion/Vote:** Rep. Jones moved that **DP 2204 BE ADOPTED.** Motion carried unanimously by voice vote.

00:28:00 Ms. Smith

00:28:05 **Motion:** Rep. Ankney moved that **DP 2206 BE ADOPTED.**

**Discussion:**

00:28:13 Sen. Ripley

00:28:48 **Vote:** Motion carried by voice vote, 6-1, with Sen. Brenden voting no.

00:29:08 Ms. Smith  
00:29:41 **Motion:** Sen. Tropila moved that **DP 2301 BE ADOPTED.**

**Discussion:**

00:29:50 Rep. Mehlhoff  
00:31:33 Chairman Hollenbaugh  
00:32:15 Mr. Chamberlain  
00:32:43 Sen. Brenden  
00:33:05 Sen. Ripley  
00:33:09 Sen. Brenden  
00:33:23 Sen. Ripley  
00:33:37 Rep. Ankney  
00:34:06 Chairman Hollenbaugh  
00:34:10 Ann Bauchman, Administrator, Centralized Services  
Division, DNRC  
00:34:58 Sen. Brenden  
00:35:25 Sen. Ripley  
00:36:07 Chairman Hollenbaugh  
00:37:01 Rep. Mehlhoff  
00:37:39 Rep. Jones  
00:39:31 Chairman Hollenbaugh

00:39:55 **Vote:** Motion carried by unanimous voice vote.

00:40:15 Ms. Smith  
00:40:26 **Motion/Vote:** Sen. Brenden moved **DP 2302 BE ADOPTED.**  
Motion carried unanimously by voice vote.

00:40:52 Ms. Smith  
00:41:10 **Motion/Vote:** Sen. Brenden moved that **DP 2303 BE  
ADOPTED.** Motion passed 6-1 by voice vote, with Rep.  
Ankney in opposition.

00:41:43 Ms. Smith  
00:41:55 **Motion/Vote:** Rep. Mehlhoff moved **DP 2304 BE ADOPTED.**

**Discussion:**

00:42:11 **Motion/Vote:** Sen. Ripley moved **TO ADOPT DP 2304, ONE  
TIME ONLY AND RESTRICTED.** Motion carried unanimously  
by voice vote.

00:42:42 Sen. Tropila  
00:43:15 Ms. Smith

00:43:43 Ms. Smith  
00:43:55 **Motion:** Rep. Mehlhoff moved **DP 2305 BE ADOPTED.**

**Discussion:**

00:44:09 Sen. Brenden  
00:44:17 Ms. Smith  
00:44:39 Ray Beck, Administrator, Conservation and Resource  
Development Division, DNRC  
00:44:52 Sen. Brenden  
  
00:45:26 **Vote:** Motion carried by unanimous voice vote.  
  
00:45:40 Ms. Smith  
00:46:30 **Motion:** Rep. Mehlhoff moved that **DP 2307 BE ADOPTED.**

**Discussion:**

00:46:42 Sen. Ripley  
00:46:52 Ms. Smith  
  
00:47:41 **Vote:** Motion failed by roll call vote, with Sen.  
Brenden, Rep. Ankney, Rep. Jones, and Sen. Ripley  
voting no.  
  
00:48:52 Ms. Smith  
00:49:16 **Motion:** Sen. Tropila moved **DP 2308 BE ADOPTED.**

**Discussion:**

00:49:32 Mary Sexton, Director, DNRC  
00:49:39 Sen. Tropila  
00:50:23 Ms. Sexton  
00:50:37 Sen. Tropila  
00:51:04 Ms. Sexton  
00:51:09 Sen. Brenden  
00:51:21 Sen. Tropila  
00:52:00 Ms. Smith  
00:52:18 Chairman Hollenbaugh  
00:52:30 Sen. Ripley  
00:53:02 Rep. Mehlhoff  
  
00:53:22 **Substitute Motion:** Sen. Brenden moved **TO AMEND DP 2308  
AS ONE TIME ONLY AND RESTRICTED.**  
  
00:53:36 Chairman Hollenbaugh  
00:53:56 Sen. Tropila  
00:54:25 Rep. Mehlhoff  
00:54:47 Ms. Smith  
00:55:17 Rep. Mehlhoff  
00:55:38 Ms. Smith

00:55:52 Rep. Mehlhoff  
00:56:24 Chairman Hollenbaugh  
00:56:39 Ms. Smith  
00:56:56 Chairman Hollenbaugh

00:57:45 **Vote:** Sen. Brenden's substitute motion passed by roll call vote, with Sen. Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting no.

00:59:11 **Vote:** Motion fails 3-4 by roll call vote, with Sen. Brenden, Rep. Ankney, and Rep. Jones voting aye.

01:00:02 Ms. Smith  
01:01:16 Chairman Hollenbaugh  
01:01:45 Mr. Beck  
01:02:00 Ms. Smith  
01:02:10 Chairman Hollenbaugh

01:02:28 **Motion/Vote:** Rep. Ankney moved **OPTION 1 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:02:58 **Motion:** Sen. Tropila moved **DP 2306 BE ADOPTED.**

**Discussion:**

01:03:12 Chairman Hollenbaugh  
01:04:05 Sen. Tropila  
01:04:32 Chairman Hollenbaugh  
01:04:44 Sen. Tropila  
01:05:00 Sen. Brenden  
01:05:45 Ms. Sexton  
01:06:15 Sen. Tropila  
01:06:49 Sen. Ripley  
01:07:14 Mr. Chamberlain

01:07:30 **Vote:** Motion carried unanimously by voice vote.

01:07:54 Ms. Smith  
01:08:47 **Motion/Vote:** Rep. Jones moved **OPTION 2 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:09:17 Rep. Mehlhoff leaves hearing.

01:09:23 Ms. Smith

01:09:39 **Motion/Vote:** Sen. Ripley moved **OPTION 3 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:10:30 Ms. Smith

01:10:43 **Motion/Vote:** Sen. Brenden moved **OPTION 4 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:11:16 Chairman Hollenbaugh

01:11:43 Break

01:21:54 Reconvene. Rep. Mehlhoff present.

01:22:42 Rep. Jones

01:22:52 Rep. Ankney

01:22:56 Chairman Hollenbaugh

01:23:42 Ms. Smith

01:24:21 Rep. Mehlhoff

01:24:23 Ms. Smith

01:26:31 Rep. Mehlhoff

01:26:47 Sen. Brenden

01:26:54 Ms. Smith

01:27:20 Chairman Hollenbaugh

01:27:49 Ms. Smith

01:28:06 **Motion:** Chairman Hollenbaugh moved **DP 2550 BE ADOPTED.**

**Discussion:**

01:28:37 Rep. Mehlhoff

01:28:52 Chairman Hollenbaugh

01:29:25 **Vote:** Motion carried unanimously by voice vote.

01:30:01 Chairman Hollenbaugh

01:30:14 Ms. Smith

01:30:40 **Motion/Vote:** Sen. Ripley moved **DP 2402 BE ADOPTED.** Motion carried unanimously by voice vote.

01:31:08 Ms. Smith

01:31:28 **Motion/Vote:** Sen. Tropila moved **DP 2403 BE ADOPTED.** Motion carried unanimously by voice vote.

01:31:54 Ms. Smith

01:32:32 **Motion/Vote:** Sen. Ripley moved **DP 2451 BE ADOPTED.** Motion carried unanimously by voice vote.

01:32:58 Ms. Smith  
01:33:31 Rep. Mehlhoff  
01:33:48 Ms. Smith  
01:34:07 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT STATUTORY LANGUAGE POINT NUMBER ONE ON PAGE C-274 OF BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:34:29 **Motion/Vote:** Sen. Brenden moved **TO ADOPT STATUTORY LANGUAGE POINT NUMBER TWO ON PAGE C-274 OF BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:34:51 Ms. Smith  
01:35:29 Chairman Hollenbaugh  
01:35:40 **Motion:** Sen. Tropila moved **DP 3501 BE ADOPTED.**

**Discussion:**

01:35:50 Sen. Brenden  
01:36:00 Ms. Smith

01:36:21 **Vote:** Motion carried unanimously by voice vote.

01:36:33 Ms. Smith  
01:36:44 **Motion/Vote:** Sen. Ripley moved **DP 3503 WITH CHANGE IN FUNDING AS IN EXHIBIT (1) BE ADOPTED.** Motion carried unanimously by voice vote.

01:37:15 Ms. Smith  
01:37:25 **Motion:** Sen. Ripley moved **DP 3504 WITH CHANGE IN FUNDING AS IN EXHIBIT (1) BE ADOPTED.**

01:37:55 Ms. Smith  
01:38:11 Chairman Hollenbaugh  
01:38:18 **Vote:** Motion carried unanimously by voice vote.

01:38:30 Ms. Smith  
01:38:47 **Motion/Vote:** Sen. Tropila moved **DP 3521 BE ADOPTED.** Motion carried unanimously by voice vote.

01:39:08 Rep. Mehlhoff

01:39:40 Ms. Smith  
01:39:55 **Motion/Vote:** Sen. Brenden moved **DP 3523 BE ADOPTED.** Motion carried unanimously by voice vote.

01:40:12 Ms. Smith  
01:40:28 **Motion/Vote:** Rep. Mehlhoff moved **DP 3552 BE ADOPTED.** Motion carried unanimously by voice vote.



01:40:48 Ms. Smith  
01:40:58 **Motion/Vote:** Sen. Ripley moved **DP 3553 BE ADOPTED.**  
Motion carried 6-1 by voice vote, Sen. Brenden voting  
no.

01:41:21 Ms. Smith  
01:41:39 **Motion/Vote:** Sen. Tropila moved **DP 3554 BE ADOPTED.**  
Motion carried 6-1 by voice vote, Sen. Brenden voting  
no.

01:42:03 Ms. Smith  
01:42:19 **Motion/Vote:** Sen. Ripley moved **DP 3522 BE ADOPTED AS  
ONE TIME ONLY AND RESTRICTED.** Motion carried 6-1 by  
voice vote, Sen. Brenden voting no.

01:42:47 Ms. Smith  
01:43:06 **Motion/Vote:** Sen. Ripley moved **DP 3524 BE ADOPTED AS  
ONE TIME ONLY AND RESTRICTED.** Motion carried 6-1 by  
voice vote, Sen. Brenden opposed.

01:43:38 Ms. Smith  
01:43:58 Chairman Hollenbaugh  
01:44:03 **Motion:** Sen. Tropila moved **DP 3504 BE ADOPTED.**

**Discussion:**

01:44:23 Sen. Brenden  
01:44:27 Ms. Smith  
01:44:32 Sen. Brenden  
01:45:09 Chairman Hollenbaugh  
01:45:14 Ms. Smith  
01:45:33 Sen. Brenden  
01:45:49 **Motion:** Sen. Brenden moved **TO AMEND DP 3504 TO BE  
CONTINGENT ON \$5 PER GALLON AVIATION FUEL.**

01:46:39 Ms. Smith  
01:46:42 Rep. Mehlhoff  
01:47:13 Amy Sassano, Governor's Budget Office  
01:47:51 Sen. Brenden withdraws amendment.  
01:48:07 Chairman Hollenbaugh

01:48:19 **Vote:** Motion carries unanimously by voice vote.

01:48:34 Ms. Smith  
01:48:53 **Motion:** Rep. Mehlhoff moved **DP 3502 BE ADOPTED.**

**Discussion:**

01:49:11 Rep. Mehlhoff

01:49:26 Ms. Smith

01:49:32 **Vote:** Motion carried unanimously by voice vote.

01:49:53 **Motion:** Sen. Ripley moved **TO REMOVE FUNDING FOR  
POSITIONS THAT HAVE BEEN VACANT LONGER THAN 12 MONTHS.**

**Discussion:**

01:50:10 Ms. Smith

01:51:32 Sen. Ripley

01:51:43 Ms. Smith

01:52:05 Sen. Ripley

01:52:14 Ms. Smith

01:53:25 Chairman Hollenbaugh

01:53:34 Ms. Smith

01:53:59 Rep. Mehlhoff

01:54:06 Ms. Smith

01:54:31 Rep. Mehlhoff

01:55:23 Sen. Tropila

01:56:31 Sen. Ripley

01:57:56 Rep. Mehlhoff

01:58:12 Chairman Hollenbaugh

01:58:18 Sen. Brenden

01:59:14 Rep. Mehlhoff

01:59:26 Ms. Bauchman

02:01:03 Sen. Ripley

02:01:15 Ms. Smith

02:01:55 Sen. Ripley

02:02:08 Sen. Brenden

02:02:31 Sen. Tropila

02:02:52 Ms. Smith

02:02:54 Sen. Tropila

02:03:53 Rep. Mehlhoff

02:03:59 Chairman Hollenbaugh

02:04:15 **Vote:** Motion carried 4-3 by roll call vote, Sen.  
Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting  
no.

02:05:31 Ms. Smith

02:05:51 Chairman Hollenbaugh

02:06:22 Ms. Sassano

02:10:31 Chairman Hollenbaugh

02:11:08 Sen. Brenden

02:11:17 Ms. Smith

02:11:23 Chairman Hollenbaugh

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**ADJOURNMENT**

02:11:41 Adjournment: 10:45 A.M.

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TYRRELL HIBBARD, Secretary

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Additional Documents:

**EXHIBIT ([jnh09aad.pdf](#))**